

**IN THE UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF OHIO
EASTERN DIVISION**

CHARLENE THIRION,

Plaintiff,

vs.

**CITY OF BEDFORD HEIGHTS, et
al.,**

Defendants.

CASE NO: 1:08-CV-3004

JUDGE DONALD C. NUGENT

**PLAINTIFF'S PROPOSED
VOIR DIRE**

Plaintiff Charlene Thirion submits the following proposed questions and topics for *voir dire* and respectfully asks the Court to inquire of prospective jurors.

I. Proposed Private Voir Dire:

This case involves an allegation of disability discrimination. The evidence will be that Charlene Thirion suffered from depression and became disabled due to her emotional and mental condition.

Thirion asks the Court to permit a private *voir dire* of individual prospective jurors regarding any experiences, prejudices and predispositions with respect to mental illness and personal experiences treating for depression and/or mental illness. The risk that jurors will be reluctant to disclose probative and deeply personal experiences will unfairly prejudice the process.

II. Proposed Voir Dire Topics:

A. Personal information:

1. What do you do for a living?
2. Are you married?
3. What does your spouse do for a living?
4. Describe your educational background?
5. Have you or any family members or close friends ever worked for a government entity? What did they do? Were you a member of civil service?

6. Do you work in human resources or a personnel department? Have you ever? What were your responsibilities?
7. Have you ever been involved in managing an employee? If so, what were your responsibilities?
8. Have you ever felt you were treated unfairly at work? How did you work to resolve the problem?
9. Have you ever been fired, disciplined at work, or put on performance warning? Describe that situation.
10. What are your hobbies? What do you like to do with your free time?
11. What do you think of someone bringing a lawsuit seeking money?

B. Panel Questions

1. Short Statement of the Case: This is an employment rights case. Mrs. Thirion claims that her rights were violated by the City of Bedford Heights when it terminated her employment after about 9 years of employment. You will hear evidence that Mrs. Thirion suffered from major depression and that she needed a medical and a disability leave of absence. Mrs. Thirion claims in this case that the City discriminated against her when it refused to honor its Family and Medical Leave Policies, and refused to provide her with an extended leave of absence as a reasonable accommodation for her disability. She also claims that after she complained about discrimination in the work place on the basis of race that the Defendants retaliated against her, reprimanded her for "insubordination" and terminated her employment. Knowing that this case involves mental health issues, and retaliation and employment rights, do you have any concerns about serving as a juror in this matter?
2. Prior knowledge of anti-discrimination provisions:
3. *Burden of proof.* We've all seen a lot of law shows on television and legal stories on the news. Many of the cases we see are criminal cases. Those cases require proof beyond a reasonable doubt. We've all heard that expression. But this is not a criminal case--this is a civil case. In a civil case like this, there is a different burden of proof. In this case, if you find that Mrs. Thirion was discriminated against or retaliated against you must find in her favor. Not beyond a reasonable doubt, but just more likely than not. Do you think you

will be able to apply that standard fairly?

4. List of Witnesses and Attorneys: Do you know any of them?
5. Work for Cities, States and/or the Village of Bedford Heights.
6. Prior Jury Service.
7. Prior Involvement with the Civil Justice system.
8. Passing Judgment: Some people are reluctant, based on their personal beliefs, their religion, or their individual circumstances, to sit in judgment of someone else. In this case, you will see a lot of documents and hear a lot of testimony from witnesses. One of your most important functions as a jury is to judge the credibility or believability of witnesses, look at all of the evidence, and make a judgment as to the weight of the evidence. Do you have any personal circumstances or beliefs that might make you reluctant to perform that duty, to make credibility decisions and sit in judgment of the evidence?
9. Economic Damages: Part of Mrs. Thirions claim in this case is that the conduct of the City and Mayor Berger hurt her and she suffered economic losses. A lot of people are unemployed now for lots of reasons most of them having to do with layoffs and job reductions. But in this case, Mrs. Thirion did not lose her job for economic reasons or do to a reduction in force. She claims that she suffered losses because she was discriminated against and retaliated against. How do you feel about awarding money for losses like these?
10. Emotional Damages.
11. Punitive damages.
12. Affirmative Action Policies/Need for EEO Laws.
13. Family and Medical Leave Experiences.
14. Length of Trial/Personal Hardships.
15. Tort Reform and Attitudes toward Litigation.